

REMARKS / ARGUMENT

A. INTRODUCTION

In the office action dated November 7, 2004, claims 1-4, 6, 9-11, 14-18 were rejected under 35 U.S.C. § 102(e) in view of U.S. patent no. 6,625,124 to Fan et al. (hereafter "Fan"). Claim 12 was rejected under 35 U.S.C. § 102(b) in view of U.S. patent no. 5,392,402 to Ross (hereafter "Ross"). Claims 5 and 13 were found allowable if written in independent form while claims 7-8, and 19 were allowed.

B. REJECTION UNDER 35 U.S.C. § 102(e)

Independent claims 1, 4, 9, and 14 have been amended to further clarify the invention in its several embodiments. In particular, the *intra*-switch address(es) is used to distribute frames or other packet data solely within the switch. Amended claims 1-4, 6, 9-11, 14-18 of the present application are patently distinguishable with respect to Fan which uses *inter*-node addresses, i.e., the short addresses, for communications between members of a virtual private network. Applicant respectively asserts that the rejection made pursuant to Section 102(b) has been traversed.

C. REJECTION UNDER 35 U.S.C. § 102(b)

Independent claim 12 is patently distinguishable from Ross. Claim 12 recites *inter alia*: "wherein the first address is transmitted **solely within** the first switch and the second switch..." (emphasis added). In contrast to the present claim, Ross discloses virtual area network (VLAN) identifiers that are known within a hub but not used solely within the hub. In particular, the VLAN identifiers in Ross are used to exchange frames between a hub and local hosts and/or backbone. The port of the hub that is coupled to the backbone is referred to in Ross as the "external port" because it is external to the local area network (LAN), while the hub ports coupled to the local hosts are referred to as "internal ports" because they are internal to the LAN. The definitional basis of a standard prior art hub is set forth at column 1, lines 23-28:

“Individual hubs in a LAN may include one or more internal ports to which end stations may be connected and one or more external ports for transmitting messages from the hub to the backbone transmission network and for receiving messages for the hub from the backbone transmission network.”

The prior art hub then forwards frames between all ports, both internal and external, with the exception of the port on which the frame was received. See column 1, lines 28-33:

“In such a LAN, messages originating at an internal port of one hub, or at an end station connected to an internal port of such a hub, are commonly transmitted to every other hub and end station in the LAN, although typically they are addressed to only a single end station within the LAN.”

To the extent that Ross discloses a novel hub adapted to forward frames only between internal ports, one skilled in the art would clearly understand that the novel hub merely transmits frames between end stations *within the LAN*, not within the hub itself.

Clearly, the inventor exercised his right to be his own lexicographer for purposes of defining the terminology used in the patent. Applying the inventor's intended meaning to the terminology used therein, Ross does not disclose, teach, or suggest the present invention. Therefore claim 12 is novel and a notice of allowance respectfully requested.

D. CONCLUSION

For all the forgoing reasons, Applicant submits that the present invention is patentably distinguishable from Fan and Ross. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Pursuant to 35 U.S.C. 132 and 37 CFR 1.121, Applicant has exercised care to avoid the introduction of new matter. Should there be any fees for this action, your office is

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authorized to draw from the firm deposit account number 02-3979. Should you have any questions, or identify any problem, I would appreciate a telephone call so that this matter may be resolved promptly.

Respectfully submitted,

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